

Application No. 10/727,627  
Amendment dated June 27, 2007  
Reply to Office Action of March 27, 2007

Docket No.: 3560-0135P

### REMARKS

Claims 1 and 3-18 are pending in the present application. Claims 1 and 3-17 have been amended, claim 2 has been canceled, and claim 18 is new. Reconsideration of the application, as amended, is respectfully requested.

### Priority

The Examiner is thanked for the reminder that a certified copy of priority Application No. 03075257.0 has not yet been filed. Applicants have obtained a certified copy and will file the same in the U. S. Patent and Trademark Office in due course.

### Oath/Declaration

In the outstanding Office Action, the Examiner indicates that the Declaration was signed on "12/1/2004" but received by the Office on "2/5/2004." The Examiner is advised that the Declaration was executed by the inventors on January 12, 2004 and was merely identified on the Declaration in the day/month/year format. Accordingly, Applicants believe that the Declaration, as executed and filed, is acceptable.

### Allowable Subject Matter

The Examiner is thanked for the indication that claim 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim Rejections – 35 U.S.C. § 112

Claims 2-5 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

As will be seen by the above amendments, the subject matter of now-canceled claim 2 has been incorporated into claim 1, thus introducing additional structural features. Additionally, claims 3-5 have been amended to depend from claim 1. Accordingly, claims 3-5 are believed to be in condition for immediate allowance.

Claim 14 has been amended to remove the phrase “for example of a titanium-zirconium alloy.” New claim 18, which depends from claim 14, has been added to recite this further limitation.

Accordingly, it is believed that claims 1, 3-5, 14 and 18 are in condition for immediate allowance, and reconsideration and withdrawal of the rejection of claims 2-5 and 14 under 35 U.S.C. § 112 are respectfully requested.

Claim Rejections – 35 U.S.C. §§ 102 and 103

Claims 1-8, 10-14, 16 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Good (U. S. Patent 5,342,283). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Good in view of Green et al. (U. S. Patent 6,398,711 – hereinafter “Green”). These rejections are respectfully traversed.

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Although Good describes a device for implanting a needle into a human eye, no reference is made to the additional, essential features according to the invention, that is that the needle is retracted and repositioned in such a manner for a subsequent insertion, that the tip of the needle is maintained at one pivot point, significantly reducing the number of implant wounds.

Moreover, Good describes at column 53, lines 52-54 that an implant needle is fired by the robotic arm at the desired location within the pancreatic tumor. "Firing" implies that the needle is orientated at some distance from the target location and then inserted. This implies that when the robotic arm is repositioned for a subsequent insertion, multiple implant wounds are generated.

In the present invention, the needle is retracted and repositioned in such a manner that the tip of the needle is maintained at one pivot point, significantly reducing the number of implant wounds. These features are clearly not disclosed in the Good patent.

Green deals with the manual orientation and insertion of an implant needle and does not recite an automated, motorized retraction/repositioning mechanism for one needle, wherein the tip of the needle is maintained at one pivot point.

Accordingly, it is believed that claim 1, as now amended, clearly defines over the cited prior art. Therefore, claim 1 is believed to be in condition for immediate allowance. Claims 3-18, which depend either directly or indirectly on allowable claim 1, are also believed to be in condition for immediate allowance. Reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

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Conclusion

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

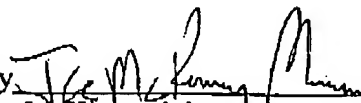
Because the additional prior art cited by the Examiner has been included merely to show the state of the prior art and has not been utilized to reject the claims, no further comments concerning these documents are considered necessary at this time.

In the event that any outstanding matters remain in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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